IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9868 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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INDUBEN @ KEVALBHAI DULLABHBHAI PATEL - Petitioner(s)
Versus
REGIONAL PASSPORT OFFICER & 1 - Respondent(s)

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Appearance :
MR PRASHANT MANKAD for Petitioner(s) : 1,MR JAGDISH H MEHTA for Petitioner(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 1 - 2.
MR HARIN P RAVAL for Respondent(s) : 1,
MS KN VALIKARIMWALA for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 24/04/2007

ORAL JUDGMENT

1. **RULE**. Mr. Harin Raval learned Assistant Solicitor General waives service of rule on behalf of respondent no. 1 and Ms. K. N. Valikarimwala learned

Additional Central Govt. Standing Counsel waives service of rule on behalf of respondent no. 2. At the request of the learned advocates the matter is taken up for final hearing today itself.

2. The petitioner has sought correction of the birth date in the passport issued by the respondent authority. According to the petitioner his correct date of birth is 9th August, 1951, as per the record of the birth and the certificate issued by competent authority under the Registration of Birth and Death Act. However, in the school leaving certificate the birth date is shown as 2nd June, 1951. It appears that in the passport entry with regard to the birth date is made on the basis of the school leaving certificate. She, therefore, seeks to get the birth date corrected in the passport on the basis of the certificate of the birth issued by the competent authority.

3. Having heard Mr. Prashant Mankad learned advocate for the petitioner and Mr. Raval learned Assistant Solicitor General appearing for respondent no. 1 and Ms. Valikarimwala learned Additional Central Government Standing Counsel for respondent no. 2, it appears that in the passport the entry with regard to the birth date is made on the basis of the school leaving

certificate issued by Adarsh School, Surat. The copy of the record of the birth issued by the competent authority is annexed at annexure-A, which shows that the birth date of the petitioner is 9th August, 1951. This Court has often held that the birth certificate is the authenticate document, so far as the date of birth is concerned. It will prevail upon any other document that may have come into existence subsequently and necessary change can be effected on the basis of the same.

3.1. So far as the grievance of the petitioner is concerned, it can redress by passing the following direction.

3.2. The respondent is directed to consider the application for issuance of passport of the petitioner on the basis of the birth certificate and if all other documents are found to be in order, the same may be issued, if otherwise she is not found ineligible.

3.3. Since this exercise is required to be carried out because of the fault on the petitioner's side, the petitioner is directed to pay costs of Rs.2,500=00.

4. The petition is allowed. Rule is made absolute.

[Akshay H. Mehta, J.]

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